

Central Intelligence Agency



Washington, D.C. 20505

HPSCI
OEXA 82-0063/c

31 March 1982

Honorable Romano L. Mazzoli
Chairman
Subcommittee on Legislation
Permanent Select Committee on Intelligence
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

As you requested at the Committee's recent hearing on the activities of former Central Intelligence Agency employees Edwin Wilson and Frank Terpil, I have had my staff prepare as a drafting service for your Subcommittee legislation to deal with the concerns you have expressed about activities on behalf of foreign powers by former United States Government employees who had national security-related duties. I must emphasize that we have drafted this legislation as a service to you to meet what we understand to be your concerns, and our drafting of it should not be construed as an indication that the Central Intelligence Agency, the Intelligence Community, or the Administration supports its enactment.

I have consulted extensively with the Agency's senior officers on the matter, and they believe that the nefarious activities of Wilson and Terpil, which several federal criminal statutes already cover, do not reflect a systemic problem warranting legislation. The draft legislation has not been reviewed outside the Central Intelligence Agency and thus I cannot relay the views of the other departments and agencies whose personnel this legislation would affect.

My General Counsel and Director of External Affairs remain available, as always, to assist you with this matter. Please do not hesitate to call upon us.

Sincerely,

William J. Casey

Director of Central Intelligence

P.S. - For your information
I enclose the minutes of a meeting
of the CIA Executive Committee
Enclosure which reflects
strong concern, which I share,
about this type of legislation

William J. Casey

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EXCOM 82-7006
23 March 1982

MEMORANDUM FOR: Executive Committee Members

FROM: [REDACTED]

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Executive Assistant to the Executive Director

SUBJECT:

Minutes of 18 March 1982 Executive Committee Meeting: Draft Legislation on Post-Employment Restrictions

1. The Executive Committee met on 18 March to review the General Counsel's proposed draft legislation on post-employment restrictions. Mr. McMahon (Executive Director) chaired the session; participants included Messrs. Gates (DDI); Fitzwater (DDA); George (ADDO); Taylor (ADDS&T); Briggs (IG); Glerum (D/OP); Sporkin (GC); and [REDACTED] (OEA).

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2. Mr. McMahon reviewed the background of the proposed draft legislation, noting that our Congressional Oversight Committees were looking for "potential remedies" to prevent any future Wilson/Terpil situations. Mr. Sporkin explained that he thought it would be in the Agency's best interest to control any such remedy, rather than let Congress create it for us. He then reviewed why he favored the draft legislation as a means of getting at the Wilson/Terpil problem: It focuses on a narrow group of activities (military, intelligence, security); applies to former employees of all intelligence agencies, not just CIA; and requires approval of the head of the last agency the individual worked for, providing an opportunity to monitor those post-employment activities.

3. Mr. McMahon questioned what difference such a law would have made to Wilson and Terpil, who broke existing laws. Mr. Sporkin suggested that it would serve as a deterrent. Mr. McMahon then suggested, and others agreed, that any such legislation should apply to all former Government employees, including members of the NSC, HPSCI and SSCI staffs; all military personnel and all State Department employees. He pointed out that Wilson and Terpil, whose actions were repugnant to all Agency employees, were only two of thousands of former employees, and this draft legislation aimed at them impugned the dignity and integrity of all former and current employees. He then asked for members' views.

4. Committee members acknowledged that the DCI had made a commitment to the HPSCI to provide suggested legislation and that commitment should be honored. They all strongly opposed the draft legislation presented, however, and advised that unusually strong negative employee reaction has surfaced on this issue. DDI employees, for example, considered it offensive and

discriminatory in placing such a large burden on a selective segment of Government employees. Mr. George voiced his Directorate's total opposition, noting the proposed legislation would have an extremely negative impact on recruitment efforts as well as employee morale. Mr. Briggs characterized the legislation as an overreaction to the Wilson/Terpil case. He also opined that if the draft legislation were applicable Government-wide, it would never pass. Mr. McMahon observed that the proposed legislation would have to go through the OMB clearance process.

5. Mr. Sporkin did not agree that the post-employment restrictions should apply Government-wide, but did agree that they should encompass all of the military, the Foreign Service, and the HPSCI and SSCI staffs. He did not understand the strong employee opposition, given that relatively few people would be affected by the legislation. Mr. Gates explained that employees considered it an insult to their integrity. Mr. George observed that it seemed to contradict this Administration's intentions to support the Intelligence Community.

6. After additional discussion, Mr. McMahon requested that Mr. Sporkin revise the draft, adding the additional categories noted above; advise the DCI and DDCI of the Committee's views on this issue; and ensure that the draft goes through the usual coordination process. He added that the Agency could oppose the legislation in that process. He then adjourned the meeting.

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